

MAINE STATE LEGISLATURE

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SIXTIETH LEGISLATURE.

HOUSE.

No. 57.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-ONE.

AN ACT to incorporate the Skowhegan and Athens
Railroad Company.

WHEREAS, The public interest will be promoted
2 by a charter and construction of a railroad from
3 the town of Skowhegan, through the towns of
4 Madison and Cornville, to the village of Athens,
5 in the county of Somerset; and whereas, said
6 railroad would run in the same general direction
7 as the Somerset railroad already constructed, and
8 within ten miles of the same; and whereas, the
9 objects of the proposed corporation cannot be
10 attained under the general laws for the formation
11 of railroad corporations, therefore

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows :*

SECTION 1. J. S. Tobey, F. G. Greene, Edward
2 Ware, S. L. Tobey, O. W. McIntire, Albert
3 Leavitt, P. F. Hurd, F. A. Hight, C. F. Dore, J.
4 W. Bixby, M. B. Smiley, L. T. Pike, J. C. Kins-
5 man, B. F. Eaton, A. S. C. Hall, D. F. Hobart,
6 Reuben Hussey, J. W. Hussey, J. F. Holman, E.
7 S. Dutton, O. L. Bush, A. C. Wade, J. H. Hight,
8 B. M. Hight, Tom H. Howard and Henry Leavitt,
9 their associates, successors and assigns, are hereby
10 made and constituted a body politic and corporate
11 by the name of the Skowhegan and Athens Rail-
12 road Company, and by that name may sue and be
13 sued, plead and be impleaded, and shall have and
14 enjoy all proper remedies at law and in equity, to
15 secure and protect them in the exercise and use of
16 the rights and privileges, and in the performance
17 of the duties hereinafter granted and enjoined;
18 and to prevent all invasions thereof or interrup-
19 tion in exercising and performing the same. And
20 the said corporation are hereby authorized and
21 empowered to locate, construct and finally com-
22 plete, alter and keep in repair a railroad with one
23 or more sets of rails or tracks, with all suitable
24 bridges, tunnels, viaducts, turnouts, culverts, drains
25 and all other necessary appendages, from some

26 point in Skowhegan village in Somerset county;
27 thence through East Madison lower mills, in the
28 town of Madison, and through the town of Corn-
29 ville to the village in the town of Athens in said
30 county, with the right to connect with the Maine
31 Central Railroad in the town of Skowhegan. And
32 said corporation shall be and hereby is authorized
33 and invested with all the powers, privileges and
34 immunities which are or may be necessary to carry
35 into effect the purposes and objects of this act as
36 herein set forth. And for this purpose said cor-
37 poration shall have the right to purchase, or to
38 take and hold so much of the land or other real
39 estate of private persons and corporations, as may
40 be necessary for the location, construction and
41 convenient operation of said railroad; and they
42 shall also have the right to take, remove and use
43 for the construction and repair of said railroad and
44 appurtenances, any earth, gravel, stone, timber or
45 other materials on or from the land so taken;
46 *provided, however,* that said land so taken shall
47 not exceed six rods in width, except where greater
48 width is necessary for the purposes of excavation
49 or embankment; *and provided also,* that in all
50 cases said corporation shall pay for such lands,
51 estate or materials so taken and used, such price

52 as they and the owner or respective owners thereof
53 may mutually agree on; and in case said parties
54 shall not otherwise agree, then said corporation
55 shall pay such damages as shall be ascertained
56 and determined by the county commissioners for
57 the county through which said railroad may
58 pass, in the same manner and under the same
59 conditions and limitations as are by law pro-
60 vided in the case of damages by the laying
61 out of highways. And the land so taken
62 by said corporation shall be held as lands taken
63 and appropriated for highways. And no applica-
64 tion to said commissioners to estimate said dam-
65 ages shall be sustained, unless made within three
66 years from the time of taking such land or other
67 property; and in case such railroad shall pass
68 through any wood lands or forests, the said com-
69 pany shall have the right to fell or remove any
70 trees standing therein, within four rods of such
71 road, which by their liability to be blown down or
72 from their natural falling, might obstruct or impair
73 said railroad, by paying a just compensation there-
74 for, to be recovered in the same manner as is pro-
75 vided for the recovery of other damages in this act.

SECT. 2. The capital stock of said corporation
2 shall consist of not less than seven hundred and

3 twenty nor more than three thousand shares, of
4 fifty dollars each, and the immediate government
5 and direction of the affairs of said corporation
6 shall be vested in seven, nine or eleven directors,
7 who shall be chosen by the members of said corpo-
8 ration in the manner hereinafter provided, and
9 shall hold their office until others shall have been
10 duly elected and qualified to take their place, a
11 majority of whom shall form a quorum for the
12 transaction of business, and they shall elect one of
13 their number to be president of the corporation,
14 and they shall choose a clerk, who shall be sworn
15 to the faithful discharge of his duty; and they
16 shall choose a treasurer, who shall be sworn, and
17 also give bonds to the corporation, with sureties to
18 the satisfaction of the directors in a sum of not less
19 than ten thousand dollars for the faithful discharge
20 of his trust. And for the purpose of receiving
21 subscription to the said stock, books shall be
22 opened under the direction of the persons named
23 in the first section of this act, at such time and
24 place as they may determine. And any five of the
25 persons named in the first section of this act are
26 hereby authorized to call the first meeting of said
27 corporation for the choice of directors and for
28 organization, by giving notice in one or more news-

29 papers published in said Somerset county, of the
30 time and place and the purposes of such meeting,
31 at least seven days before the time mentioned in
32 such notice.

SECT. 3. Said corporation may sell or lease its
2 line and all its improvements to any other rail-
3 road corporation, which latter company is hereby
4 authorized to enter into such contract of sale or
5 lease, and the directors of the two corporations
6 may enter into such contract for the running of
7 the road, and for the purchase, sale or lease thereof,
8 as the directors of the two companies, in the exer-
9 cise of their best judgment and discretion, may
10 deem for the advantage of their respective corpora-
11 tions, subject to the approval of the stockholders
12 in each corporation.

SECT. 4. When said corporation shall take any
2 land or other estate as aforesaid of any infant, per-
3 son non compos mentis, or feme covert whose
4 husband is under guardianship, the guardian of
5 such infant, or person non compos mentis, and
6 such feme covert with the guardian of her hus-
7 band, shall have full power and authority to agree
8 and settle with said corporation for damages or
9 claims for damages by reason of taking such land

10 and estate as aforesaid, and give good and valid
11 releases and discharges therefor.

SECT. 5. The president and directors for the
2 time being, are hereby authorized and empowered,
3 by themselves or their agents, to exercise all the
4 powers herein granted to the corporation for the
5 purpose of locating, constructing and completing
6 said railroad, and for the transportation of persons,
7 goods and property of all descriptions, and all such
8 powers and authority for the management of the
9 affairs of the corporation as may be necessary and
10 proper to carry into effect the objects of this grant,
11 to purchase and hold land, materials, engines and
12 cars, and other necessary things, in the name of
13 the corporation for the use of said road; to make
14 such equal assessments from time to time on all the
15 shares in said corporation as they may deem expe-
16 dient and necessary in the execution and progress
17 of the work, and direct the same to be paid to the
18 treasurer of the corporation. And the treasurer
19 shall give notice of all such assessments; and in
20 case any subscriber or stockholder shall neglect to
21 pay any assessment on his share or shares for the
22 space of thirty days after such notice is given as
23 shall be prescribed by the by-laws of said corpora-
24 tion, the directors may order the treasurer to sell

25 such share or shares at public auction, after giving
26 such notice as may be prescribed as aforesaid to
27 the highest bidder, and the same shall be transfer-
28 red to the purchaser, and such delinquent subscri-
29 ber or stockholder shall be held accountable to the
30 corporation for the balance if his share or shares
31 sell for less than the assessments due thereon, with
32 the interest and cost of sale, and shall be entitled
33 to the overplus if any there be; *provided, however,*
34 that no assessment shall be laid upon any share in
35 said corporation of a greater amount in the whole
36 than fifty dollars.

SECT. 6. A toll is hereby granted and established
2 for the sole benefit of said corporation, upon all
3 passengers and property of all descriptions which
4 may be conveyed or transported by them upon said
5 road, at such rate as may be agreed upon and estab-
6 lished from time to time by the directors of said
7 corporation. The transportation of persons and
8 property, the construction of wheels, the form of
9 cars and carriages, the weights of loads, and all
10 other matters and things in relation to said road,
11 shall be in conformity with such rules, regulations
12 and provisions as the directors shall from time to
13 time prescribe and direct.

SECT. 7. The legislature may authorize any
2 other company or companies to connect any other
3 railroad or railroads with the railroad of said cor-
4 poration, at any points on the route of said rail-
5 road. And said corporation shall receive and
6 transport all persons, goods and property of all
7 descriptions which may be carried and transported
8 to the railroad of said corporation on such other
9 railroads as may be hereafter authorized to be con-
10 nected therewith, at the same rates of toll and
11 freight as may be prescribed by said corporation,
12 so that the rates of freight and toll of such passen-
13 gers, goods and other property as may be received
14 from such other railroads so connected with said
15 road as aforesaid, shall not exceed the general
16 rates of freight and toll on said railroad received
17 for freight and passengers at any of the deposits
18 of said corporation.

SECT. 8. If said railroad in the course thereof,
2 shall cross any private way, the said corporation
3 shall so construct said railroad as not to obstruct
4 the safe and convenient use of said private way;
5 and if said railroad shall, in the course thereof,
6 cross any canal, railroad, or other highway, the
7 said railroad shall be so constructed as not to
8 obstruct the safe and convenient use of such canal

9 or highway; and the said corporation shall have
10 power to raise or lower such highway or private
11 way, so that the said railroad, if necessary, may
12 conveniently pass over or under the same, and
13 erect such gate or gates thereon as may be neces-
14 sary for the safety of travelers on said railroad,
15 highway, or private way, and shall keep all bridges
16 and embankments necessary for the same in good
17 repair.

SECT. 9. Said railroad corporation shall erect
2 and maintain substantial, legal and sufficient fences
3 on each side of the land taken by them for their
4 railroad, when the same passes through enclosed
5 or improved lands, or lands that may be hereafter
6 improved; *provided*, the owners of such lands
7 demand of said corporation that such fences shall
8 be so erected and maintained by said corporation.

SECT. 10. The said corporation shall at all times
2 when the postmaster-general shall require it, be
3 holden to transport the mail of the United States
4 from and to such place or places on said road as
5 may be required, for a fair and reasonable com-
6 pensation. And in case the corporation and the
7 postmaster-general shall be unable to agree upon
8 the compensation aforesaid, the legislature of the
9 state shall determine the same. And said corpora-

10 tion, after they shall commence the receiving of
11 tolls, shall be bound at all times to have said rail-
12 road in good repair, and a sufficient number of
13 suitable engines, carriages and vehicles for trans-
14 portation of persons and articles, and be obliged to
15 receive at all proper times and places, and convey
16 the same when the appropriate tolls therefor shall
17 be paid or tendered; and a lien is hereby created
18 on all articles transported for said tolls. And
19 said corporation fulfilling on its part all and singu-
20 lar the several obligations and duties by this sec-
21 tion imposed and enjoined upon it, shall not be
22 held or bound to allow any engine, cars, carriages
23 or other vehicles for the transportation of persons
24 or merchandise, to pass over said railroad other
25 than its own furnished and provided for that pur-
26 pose as herein enjoined and required; *provided,*
27 *however,* that said corporation shall be under obli-
28 gations to transport over said road the passenger
29 and other cars of any other incorporated company
30 that may hereafter construct a railroad of the same
31 gauge, connecting with that hereby authorized,
32 such other company being subject to all the pro-
33 visions of the fifth and sixth sections of this act as
34 to rates of toll and all other particulars enumerated
35 in said sections.

SECT. 11. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriages on such railroad, or in any way spoil, injure or destroy said railroad or any part thereof, or anything belonging thereto, or any materials or any implements to be employed in the construction of, or for the use of said road, he, she or they, or any person or persons aiding, assisting or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the justice, court or jury before whom the trial shall be had, to be sued for before any justice, or in any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand jury of the county within which trespass shall have been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars, to the use of the state, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

SECT. 12. Said corporation shall keep in a book
2 for that purpose, a regular account of all their dis-
3 bursements, expenditures and receipts, and the
4 books of said corporation shall at all times be open
5 to the inspection of the governor and council, and
6 any committee duly authorized by the legislature,
7 and the treasurer of said corporation shall make an
8 exhibit, under oath, to the legislature, at each reg-
9 ular session, of the profits derived from the income
10 of said railroad.

SECT. 13. All real estate purchased by said cor-
2 poration for the use of the same under the fourth
3 section of this act, shall be taxable to said corpor-
4 ation by the several cities, towns and plantations
5 in which said land lies, in the same manner as lands
6 owned by private persons, and shall, in the valua-
7 tion lists be estimated the same as other adjacent
8 lands of the same quality, in such city, town or
9 plantation, and not otherwise, and the shares
10 owned by the respective stockholders shall be
11 deemed personal estate, and be taxable as such to
12 the owners thereof, in the places where they reside
13 and have their homes.

SECT. 14. The annual meeting of the members
2 of said corporation shall be holden on the first
3 Monday of January, or such other day as shall be

4 determined by the by-laws, at such time and place
5 as the directors for the time being shall appoint, at
6 which meeting the directors shall be chosen by
7 ballot, each proprietor, by himself or proxy, being
8 entitled to as many votes as he holds shares; and
9 the directors are hereby authorized to call special
10 meetings of the stockholders whenever they shall
11 deem it expedient and proper, giving such notice
12 as the corporation by their by-laws shall direct.

SECT. 15. If the said corporation shall not have
2 been organized, and the location, according to the
3 actual survey of the route to Athens, have been
4 filed with the county commissioners of the county
5 of Somerset, on or before the first day of January,
6 in the year of our Lord one thousand eight hun-
7 dred and eighty-three; or if said corporation shall
8 fail to complete said railroad to Athens, on or before
9 the first day of January, in the year of our Lord one
10 thousand eight hundred and eighty-five, in either
11 of the above mentioned cases, this act shall be null
12 and void.

SECT. 16. The legislature shall, at all times,
2 have the right to inquire into the doings of the
3 corporation, and into the manner in which the
4 privileges and franchises herein and hereby granted,

5 may have been used and employed by said corpo-
6 ration, and to correct and prevent all abuses of the
7 same, and to pass any law imposing fines and pen-
8 alties upon said corporation, which may be neces-
9 sary more effectually to compel a compliance with
10 the provisions, liabilities and duties hereinbefore
11 forth and enjoined.

STATE OF MAINE.

In HOUSE OF REPRESENTATIVES, }
February 9, 1881. }

Reported by Mr. BRADSTREET, from Committee on Railroads,
and ordered printed under Joint Rule.

ORAMANDAL SMITH, *Clerk.*